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Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record of the 32nd meeting
Held at the Palais Wilson, Geneva, on Monday, 13 June 2016, at 3 p.m.

Chair: Mr. Sadi

Contents

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second to fourth periodic reports of the former Yugoslav Republic of Macedonia

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined second to fourth periodic reports of the former Yugoslav Republic of Macedonia (E/C.12/MKD/2-4; E/C.12/MKD/Q/2-4 and Add.1)

1. *At the invitation of the Chair, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*

2. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that the Government was making a great effort to align domestic legislation with international human rights instruments and had ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2011; the ratification of the Optional Protocol to the Covenant was expected shortly. The Law on Equal Opportunities for Women and Men had been adopted in 2012 and dealt extensively with gender-based discrimination. There was a comprehensive legal framework to prevent discrimination in all spheres, and the Commission for Protection against Discrimination had been established. The Law on Culture guaranteed the exercise of cultural rights under equal conditions for all, and the Ministry of Culture promoted minority cultures through various activities.

3. Since 2007, the Government had been taking measures regarding employment, including programmes targeting specific groups, such as young people and the long-term unemployed. The programmes provided direct support for the establishment or formalization of a business, as well as incentives for job creation. The Law on Employment and Insurance in Case of Unemployment had been amended to distinguish between active and passive job seekers in order to better target assistance. The Law on the Minimum Wage had been adopted in 2012 and covered all workers, including those in the private sector. It had been drafted in consultation with social partners on the basis of a comparative analysis of the relevant provisions in several European countries. The working week could not exceed 40 hours, and employers were required to ensure the health and safety of their staff.

4. The Law on Social Protection had been adopted in 2009 with a view to improving and standardizing access and procedures, fostering social inclusion and increasing decentralization. The calculation of cash benefits had been modified and amounts were recalculated annually to take account of inflation. Under a subsequent law, new types of cash benefits had been introduced for vulnerable population groups, including persons with disabilities and students in higher education. The Government had adopted the National Strategy for the reduction of poverty and social exclusion 2010-2020, which had already yielded positive results in the areas of employment, social protection coverage, education and access to information technologies.

5. The Law on the Prevention of and Protection against Domestic Violence had been adopted pursuant to the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence and provided for inter-agency coordination, protection measures and victim support.

6. The Government had consulted with civil society in the preparation of the report.

7. **Mr. De Schutter** (Country Rapporteur) said that he was pleased to note the gender balance in the delegation. He asked why, despite the constitutional provisions on the applicability of international instruments, there were no examples of cases where the domestic courts had invoked the Covenant. He also asked whether the fact that access to

legal aid was contingent on not exceeding a maximum monthly income might not unduly restrict access to justice.

8. Pointing out the rather large discrepancy between the figures provided by the State party on the size of the Roma population and those from other sources, he asked what the reason was for the difference, and specifically whether it was a matter of data collection, self-identification or lack of legal status. He also asked what tangible measures were being taken to address the high rate of poverty among the Roma, their social exclusion and their lack of access to employment.

9. He requested updated information on the Ombudsman and asked how the Government intended to improve that Office's ability to fulfil its mandate in accordance with the Paris Principles. He wished to know what steps were being taken to reduce corruption and to inform the public of the unacceptability of bribes and the avenues available for reporting cases of bribery. Noting that income taxes were low but value added tax (VAT) was quite high, he asked how the State budget had been spent in all areas related to Covenant rights throughout the reporting period. Lastly, he asked whether the State party intended to amend the Law on the Prevention of and Protection against Discrimination in order to include segregation as a prohibited form of discrimination and to rescind the provision that, in essence, legitimized discrimination against same-sex couples.

10. **Ms. Bras Gomes**, pointing out that the temporary border closure appeared to have become a long-term measure, asked what the State party's position was regarding refugees and what it was doing to improve living conditions in the transit centres. She also asked whether the State party intended to revise its policy on family reunification, which was not in line with international standards. She requested further information about the restrictions on the enjoyment of economic, social and cultural rights by asylum seekers. Referring to paragraph 17 of the replies to the list of issues, she wished to know to what extent the new equal opportunities law had truly enhanced women's enjoyment of their rights under the Covenant.

11. **Mr. Uprimny** said that, while there was nothing wrong with decentralization per se, the Committee was concerned at the wide disparities among municipalities that meant that some were not capable of discharging their new responsibilities. He asked how the State party was reinforcing the capacity and financial resources of municipalities, how it was tackling the unequal enjoyment of rights in different parts of the country and whether there was a central monitoring mechanism to ensure that rights were upheld at the local level.

12. **The Chair** asked what impact the influx of refugees had had on the State party's ability to meet its obligations under the Covenant, what laws governed social protection for refugees and to what extent that protection differed from the protection afforded to citizens.

13. **Mr. Martynov**, noting that there were more statistics in the State party's periodic report than there had been in its initial report, called on the Government of the State party to continue improving its efforts to collect and publish disaggregated data. In view of the extremely high unemployment rates in the State party, he asked what employment measures specifically targeted Roma, other minorities, women and persons with disabilities, whose rates of participation in the State party's job-creation programmes were very low. Statistical data on the employment situation of those population groups would be especially welcome. He would also like to see information on the growth or contraction of the State party's informal sector in the years since 2005, on any measures taken by the Government to regularize the situation of persons working in that sector and on the time frame for and impact of the Action Plan for the Reduction of the Grey Economy. Did the Government have any plans to allow unemployed persons who were not actively seeking work or were unwilling to accept certain jobs to collect unemployment benefits?

14. He commended the State party for its adoption of the Law on the Minimum Wage in 2012 but wondered whether it was going to be possible to bring wages in all sectors up to the national minimum before the planned alignment period elapsed in 2018. He also asked whether the minimum wage was indexed to the cost of living, if it applied to workers in the informal sector and whether it was high enough to ensure a decent standard of living. In addition, he wished to know if the Government had any plans to narrow the scope of the State party's far-reaching restrictions on the right to strike.

15. In its next periodic report, the State party should include a comprehensive account of the impact on the enjoyment of the rights recognized in article 9 of the Covenant of ongoing reforms to its social security system. In that connection, he asked what mechanisms the Government relied on to ensure that national standards were met throughout the country, given that the system was decentralized. He would like to know how the lowest current old-age pension related to the cost of living and whether the problems that had prevented pensions being paid in a timely fashion had been solved. Information should be given on the percentage of the unemployed who received unemployment benefits, how those benefits compared to the cost of living and why the amount paid out in welfare assistance had fallen between 2009 and 2012.

16. **Ms. Bras Gomes** said that she would like to know why the State party believed that it needed to introduce a privately managed pension system. Had it studied pension models such as the one developed by the World Bank?

17. **Mr. De Schutter** said that he would welcome more information on any steps taken by the State party to promote women's participation in the workforce, which was comparatively low, and to narrow the gap between their salaries and those of men. He also wondered whether the State party's labour law had fully incorporated the concept of equal pay for work of equal value. He would be interested to hear of any efforts made by the State party to ensure that refugees were granted access to employment opportunities on an equal footing with others. He would also welcome clarification of a provision of the Law on the Minimum Wage that seemed to suggest that payment of the minimum wage was conditional on satisfactory job performance. In addition, he asked the delegation to comment on the accuracy of reports that, in the wake of cuts to welfare payments that had been applied retroactively, a number of welfare recipients had found themselves in debt to the State.

18. **The Chair** asked what mechanisms were in place to ensure that workers in rural areas, particularly agricultural workers, were afforded protection under the State party's labour laws.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

19. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that his country had been caught unprepared by the mass influx of refugees and other migrants. It had nonetheless risen quickly to the challenge, and the refugee camps in Gevgelija and Tabanovce had been built mainly with money from the national budget. The number of refugees arriving at the State party's borders was currently falling.

20. According to official data from the most recent census, which had been taken in 2012, there were just under 54,000 Roma in the country. Any other figures were speculation. Although there had been reports that many members of Roma communities were not properly documented, considerable efforts had been made to identify such persons, of whom there had proved to be fewer than expected. The cost of DNA tests to enable children of undetermined parentage to obtain their parents' nationality was covered by the Ministry of Justice. Resolving the cases of some undocumented persons had been difficult, however, as many civil records had been transferred out of the country.

21. **Ms. Ilieva** (The former Yugoslav Republic of Macedonia) said that international treaties that had been ratified by the country were an integral part of its domestic legal framework. The country's courts could thus refer to them in their judgments. Although information on the number of cases in which the courts had drawn directly on provisions of the Covenant was not currently available, an effort would be made to provide it in the country's next periodic report. The Covenant was a topic of study in international law courses at the Academy for Judges and Public Prosecutors.

22. **Ms. Grozdanova** (The former Yugoslav Republic of Macedonia) said that, by law, persons who were unable to afford representation of their own were eligible for free legal aid, which was provided for any kind of proceedings before the courts, including administrative disputes. Local governments had launched outreach campaigns to raise awareness of the procedure for applying for free legal aid.

23. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that bribery was not widespread in his country, which had put in place a number of mechanisms to combat corruption and had acted on all the recommendations made by the Group of States against Corruption.

24. **Ms. Manevska** (The former Yugoslav Republic of Macedonia) said that the budget of the Ministry of Health had increased steadily since 2005. As a result, large-scale investments had been made in the health sector, and the equipment in all public medical facilities had been modernized.

25. **Mr. Chupi** (The former Yugoslav Republic of Macedonia) said that, in 2016, nearly 14 per cent of the national budget, up from just over 13 per cent the previous year, had been allocated to the Ministry of Education and Science. The funds earmarked for educational programmes targeting members of the Roma community had also increased. He would provide information on the growth in the budget for education since 2005 in due course.

26. **Ms. Sedrak** (The former Yugoslav Republic of Macedonia) said that allocations to the Ministry of Culture had been increasing steadily. In 2006, for example, such allocations had accounted for 0.11 per cent of the national budget, whereas in 2010 they had accounted for 0.63 per cent.

27. **Mr. Jovanovski** (The former Yugoslav Republic of Macedonia) said that the country had not had any subsidized-housing programmes or housing for vulnerable groups in 2006. A housing strategy had been adopted in 2008 and, as a result, considerable progress had been made. More recently, the State had made efforts to help members of socially disadvantaged groups buy apartments of their own. The Council of Europe Development Bank had granted a loan of €25 million to match the Government's contribution towards a project to build 1,800 subsidized housing units. Across the country, in cities including Skopje and Bitola, 678 housing units had already been reserved for underprivileged persons. The Ministry of Transport and Communications planned its housing projects based on information provided by the Ministry of Labour and Social Policy. It had targeted parentless young adults, social welfare recipients, persons with disabilities, single parents and Roma. Indeed, some of the housing units were reserved exclusively for Roma, who were granted an additional subsidy of 10 per cent. Additional housing units would soon be built in a number of cities. The proportion of the national budget allocated to housing increased from year to year. The Ministry of Transport and Communications was also responsible for the construction of essential infrastructure, including sewerage and water supply systems, to accompany the new housing units. Overall, including the associated infrastructure, approximately 36 per cent of its budget was reserved for housing programmes.

28. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that 19.9 per cent of the national budget was allocated to the Ministry of Labour and Social Policy. The

Government's taxation policy had been designed to attract outside investment, with personal income tax set at a rate of 10 per cent. It was inaccurate to say that the VAT rate was excessively high, since, although industrial products were subject to VAT at the full rate of 18 per cent, food and other basic goods were subject to VAT at a reduced rate of only 5 per cent.

29. **Ms. Grozdanova** (The former Yugoslav Republic of Macedonia) said that the Government worked assiduously to promote human rights, including the rights enshrined in the Covenant. The evaluation conducted by the Mission of the Organization for Security and Co-operation in Europe (OSCE) to Skopje in 2013 had resulted in a series of recommendations for the Commission for Protection against Discrimination on how to implement the Law on the Prevention of and Protection against Discrimination. To improve implementation, a unit for the prevention of discrimination had been established and a State counsellor for non-discrimination and human rights had been appointed. The Ministry of Labour and Social Policy had set up a working group, whose membership included representatives of various ministries, local government offices and civil society organizations, to draft amendments to the Law, and its first full meeting would take place in one week's time. The implementation of the Law would be overseen by a national coordination body. With the support of the United Nations High Commissioner for Human Rights, training programmes would be provided for professionals, including police officers, who worked with vulnerable groups. The Government was preparing a study of discriminatory practices in areas including social protection, health care, education and access to goods and services, that would lead to a series of recommendations.

30. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that several ministries, including the Ministry of Education and Science, the Ministry of Labour and Social Policy and the Ministry of Transport and Communications, shared responsibility for the implementation of the Government's strategy for the Roma and the various action plans adopted under the aegis of the Decade of Roma Inclusion, 2005-2015.

31. **Mr. Chupi** (The former Yugoslav Republic of Macedonia) said that, since 2009, Roma children had been offered free vaccinations, which had removed a major obstacle to their inclusion in the education system. The Government had prepared a handbook to provide guidance for educational professionals on how to combat discrimination against Roma. For the previous six years, health-care mediators had been deployed in Roma communities, one of their responsibilities being to raise awareness of the value of primary education with a view to increasing the rate of enrolment of Roma children in primary schools. The Ministry of Education and Science would soon deploy education mediators as well. The Government's provision of free textbooks for all children and transportation for children who lived more than 5.5 km away from school was likely to benefit Roma children in particular, and 89 per cent of them now went on to secondary education. The Government had also devised various strategies, including tutoring and mentorship programmes, to improve the provision of secondary education for Roma.

32. **Mr. Jovanovski** (The former Yugoslav Republic of Macedonia) said that, in addition to its regular construction projects, the Ministry of Transport and Communications had set aside an additional 10 million denars per year since 2010 for the construction of essential infrastructure in Roma settlements, an increase from only 4.6 million denars in 2008. In 2014, 17 Roma houses that had been destroyed by fire had been rebuilt.

33. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that the Ministry of Labour and Social Policy had coordinated the various activities planned under the aegis of the Decade of Roma Inclusion. The country led the region in improving preschool enrolment rates, in particular among Roma children. Funding from the Roma Education Fund and municipalities enabled many Roma children to attend preschool free of charge. The country had established 14 specialized information centres to assist Roma in accessing

Government services. In addition to the general free legal aid project, there was also a separate project specifically for Roma, funded by OSCE and implemented by the Ministry of Labour and Social Policy. Roma also benefited from various Government schemes aimed at improving participants' employment prospects. In the period from January to March 2016, 91 Roma had applied to participate in such schemes. Roma could also submit business plans to compete for start-up grants under schemes for the self-employed.

34. **Ms. Grozdanova** (The former Yugoslav Republic of Macedonia) said that the Law on Equal Opportunities for Women and Men adopted in 2012 had been based on a comprehensive evaluation of the 2006 law of the same name. Various measures had been adopted to support its successful implementation, including the introduction of guidelines and training courses for professionals who worked with women. In a recent Progress Report, the European Commission had drawn attention to the difficulties faced by women in rural areas. To improve the situation, the British embassy had provided funding for a pilot project aimed at increasing women's participation in the labour market; it would initially be rolled out in Kicevo and Bitola, the two municipalities selected by the Ministry of Labour and Social Policy for the trial period. The Government regularly funded other projects to promote women's economic empowerment, including a project to subsidize their employment. Not many entrepreneurs and managers were women, but some of the largest companies had female senior managers and board members. The Ministry of Labour and Social Policy was working with a team of experts from Romania, Portugal and the United Kingdom of Great Britain and Northern Ireland on a project to improve women's representation at the managerial level. The Government planned to update the texts of the Law on Family and the Law on Social Protection in order to improve the provision of services for women.

35. **Mr. Zerbini Ribeiro Leão** said that a large number of births in the State party were not registered, meaning that the children concerned did not have birth certificates; he wondered whether the State party had taken steps to address the issue. It would also be interesting to learn how the State party planned to implement the legislation on domestic violence and whether disaggregated and up-to-date data was available on the outcome of the related National Strategy. Given the low number of victims of human trafficking who had been identified, was the Government developing policies in that field? Disaggregated data would also be welcome on the results of the measures taken to counter the sexual abuse of children and paedophilia, including the 2008 action plan. He would welcome further information on the Multi-Disciplinary Protocol for Treatment of Children on the Street and, specifically, the results achieved and policies put in place to deal with the phenomenon of street children.

36. **Mr. Dasgupta** said that the Committee would be interested to learn more about the outcome of the National Strategy for the reduction of poverty and social exclusion. According to the report submitted by the State party to the United Nations Development Programme on the progress made in achieving the Millennium Development Goals, the goal of reducing the proportion of the population living below the poverty line to 9.5 per cent by 2015 had not been achieved. Data from the World Bank had shown that proportion to be 22.1 per cent in 2014, which was a disappointing result. How did the Government plan to overcome that problem? It would also be interesting to know whether any research had been conducted to determine if people living below the poverty line were able to meet their basic nutritional requirements and whether those living above the poverty line had access to a healthy, balanced diet.

37. He would appreciate information on the legal framework governing the forced evictions of Roma and, specifically, whether it was in line with the guidelines contained in the Committee's general comment No. 7 on the right to adequate housing. What had been done to ensure that those evicted did not live in segregated settlements without adequate

access to amenities and services and how had Roma living in informal settlements been provided with security of tenure? It would be useful to know whether statistics and further information were available on the number of Roma who had applied to legalize their properties under the Law on the Legalization of Illegally Constructed Buildings and whether they had been given support when submitting their applications.

38. The State party had made significant advances in reducing the infant and maternal mortality rates but there were still shortfalls in the provision of basic medical services, including the very low numbers of health-care practitioners available to persons covered by health insurance. Given that the budget allocated to health had increased significantly over the previous 10 years, what measures were planned to remedy those deficiencies? Reports indicated that gynaecologists often requested payment from pregnant women for consultations which should have been free of charge. The Committee would like to know if the reports had been investigated and whether any prosecutions had been brought.

39. **Mr. Uprimny** said that the lack of clear data on the extent of drug use in the State party made it difficult to assess whether the health services provided to drug users were adequate. It appeared that treatment programmes were available only in the main cities and were not adapted to the needs of especially vulnerable communities. Did the State plan to collect and publish disaggregated data on drug use? He would also appreciate more information on the strategies in place to support children who were involved in drug use and the measures taken to guarantee high-quality treatment for all drug users. Given that the funding provided by the Global Fund to Fight AIDS, Tuberculosis and Malaria for the country's harm reduction programmes was expected to end in 2016, what was the Government doing to ensure their sustainable continuation? Under a recent legislative reform, the possession and consumption of drugs had been made criminal offences, where only possession for the purpose of sale had been a crime in the past. The Committee was concerned about the implications of a policy that imprisoned persons for drug use rather than providing them with treatment.

40. **Mr. De Schutter** said that it appeared from the information received by the Committee that education on sexual and reproductive health in the State party was not in line with the Committee's general comment No. 22 on that subject. He would like to know what had been done to comply with the recommendation in the Committee's previous concluding observations (E/C.12/MKD/CO/1) that the State party intensify its efforts to educate children and adolescents on sexual and reproductive health and how it intended to bring its practice on access to contraception into line with general comment No. 22, given that contraceptive drugs were not included in the public health-care system list of essential medicines. Furthermore, a woman seeking an abortion was reportedly required to submit a written statement, undergo counselling and then observe a waiting period before the surgery could be performed. Such obstacles to the right to legal abortion did not comply with general comment No. 22 and could lead to unsafe abortions being performed. The Committee would therefore like to know what measures were being envisaged by the Government to improve access to abortion, whether statistics and data were available on the numbers of abortions performed and if penalties were applied to health-care practitioners who refused to perform abortions.

41. The Committee had been informed that certain medical services not available under the public system were increasingly being offered by private health-care providers under licensing contracts. More detailed information would be welcome on the regulatory framework for private health-care providers, in particular how they were monitored and how the State party ensured they were not charging fees for those services which should be free of charge.

42. **The Chair** said that he would like to know more about the awareness-raising campaigns on the dangers associated with smoking, obesity and cancer and how effective they had been.

43. **Mr. Kerdoun** said that there were still a number of areas of concern in the field of education, namely the high rate of illiteracy, the low rates of secondary school attendance by girls and the lack of education facilities and teachers. The Committee would welcome information on any improvements that had been made, in particular through the reform of the education system and the national Integrated Education Strategy. Which positive and negative factors had affected the achievement of the objectives of inclusion and equality, what was the State party doing to cater for the needs of ethnic minorities, children with disabilities and other vulnerable children and were children with special needs assisted by specialized staff in mainstream schools?

44. He would like to know what the outcome had been of the strategy to promote the integration of Roma children in the education system. He would also like an explanation of the high dropout rates at the primary level, especially among Roma children and children with disabilities, and how the problem was being addressed. In addition, the Ombudsman had noted that a significant number of Roma children had been diagnosed as suffering from psychological disorders and were therefore educated separately, in special classes. The Committee would like to know what steps were envisaged to put an end to that practice, which resulted in segregation in the education system.

45. **Mr. Ibrahimi** (The former Yugoslav Republic of Macedonia) said that it was important to correct the figures mentioned by the Committee on the subject of unemployment, as they were not accurate. The unemployment rate had been reduced from 39.1 per cent in 2006 to 24.5 per cent in 2016, a decrease of over 10 percentage points in 10 years, including a notable fall of 2.8 percentage points between the first quarter of 2015 and the first quarter of 2016. This had been achieved through a range of measures targeting particularly vulnerable groups, such as young people. Under a programme entitled Macedonia Employs, jobs had been found for 12,000 people in a period of just one year. The programme encouraged employers to recruit new staff, giving them subsidies for employing individuals from vulnerable groups and exempting them from the payment of income tax and insurance contributions, which were covered by the State. It was planned to allocate €11 million to various employment measures during the current year. The Decade of Roma Inclusion, 2005-2015, and the Macedonia Employs programme had included a number of targeted actions, developed in consultation with civil society and the Roma community, as a result of which many Roma had found jobs.

46. The Government continued to strive to combat the informal economy which, it was estimated, employed around 22.5 per cent of the economically active population. The Government was designing policies and drafting legislation to reduce that figure in order to increase tax revenue to the State and reduce unemployment.

The meeting rose at 6 p.m.